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11 VNUS Medical Technologies, Inc.

12 UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 VNUS MEDICAL TECHNOLOGIES, INC.,

15 Plaintiff,

16 v.

17 DIOMED HOLDINGS, INC., DIOMED
18 INC., ANGIODYNAMICS, INC., and
19 VASCULAR SOLUTIONS, INC.,

20 Defendant(s).

Case No.: C05-02972 MMC (JL)

**[PROPOSED] STIPULATION
REGARDING EXPERT DISCOVERY
AND ORDER THEREON**

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[PROPOSED] STIPULATION REGARDING EXPERT DISCOVERY, C05-02972 MMC (JL)

1 VNUS Medical Technologies, Inc., Diomed Holdings, Inc., Diomed, Inc., AngioDynamics,
2 Inc., and Vascular Solutions, Inc. (each a "Party" and collectively the "Parties") anticipate that a
3 number of experts will be preparing reports and testifying in this litigation. In order to efficiently
4 manage expert discovery, the Parties agree as follows:

5 1. No drafts of expert reports need be produced.
6 2. Reasonably in advance of each expert's deposition, the expert will be required to
7 produce to the opposing side copies of all documents and information that were used or relied upon
8 in preparing the expert's final report. Documents not used or relied upon by the expert need not be
9 produced.

10 3. Experts will be required to provide to the opposing side their hourly rate, their
11 support staff's hourly rate, the total number of hours worked by the expert and each member of the
12 expert's support staff, and the total amount of billings. No further detail concerning expert's fees
13 needs to be provided to the opposing side.

14 4. Discovery or questioning of expert witnesses shall not extend to the production of
15 documents, oral examination, or any other form of inquiry concerning:

- 16 (a) drafts, notes, or other prior work product prepared in this case and
17 abandoned (i.e., not being used or relied upon by the expert), or
18 (b) communications to or from or in the presence of an attorney for the Party
19 expecting to call the person as an expert witness, unless the person is relying
20 upon the communication as part of the basis for his or her expert testimony.

21 5. The deposition of each expert shall not exceed seven (7) hours, exclusive of breaks.

22 6. Each expert will be compensated for the deposition by the Party taking the
23 deposition by paying the expert's normal hourly rate for only the actual time the expert is being
24 deposed.

25 7. Nothing in this Stipulation and Order shall be construed to limit the discovery or
26 examination of expert witnesses concerning the basis for an expert's final opinions or the
27 documents or other information used or relied upon in the course of the expert's work on this case.

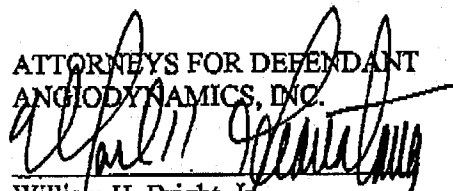
28 8. Until such time as this Stipulation and Order has been signed by the Court, the

1 Parties agree that upon execution by all Parties, it will be treated as though it had been ordered by
2 the Court.

3 The Parties' assent to the entry of the foregoing Stipulation is hereby given by the Parties by
4 and through their attorneys.

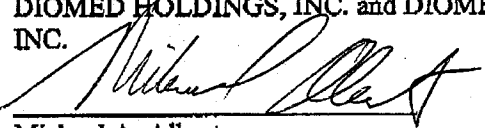
5 Dated: April 13, 2007

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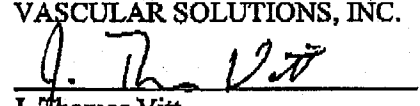
13 Dated: April __, 2007

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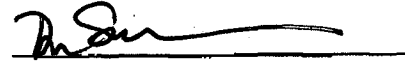
21 Dated: April 11, 2007

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1 Dated: April 20, 2007


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12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14 Dated: April 24, 2007, 2007


MAXINE M. CHESNEY
United States District Judge